

**Gina Mouser**

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**From:** Vern Crawford [vacrawford@msn.com]  
**Sent:** Tuesday, July 07, 2009 8:56 AM  
**To:** Karen Sides  
**Subject:** Fw: FW: HB 299

----- Original Message -----

**From:** Thomas Hogarth  
**To:** [vacrawford@msn.com](mailto:vacrawford@msn.com)  
**Sent:** Monday, February 09, 2009 2:27 PM  
**Subject:** RE: FW: HB 299

It is bad in that it requires us to jump through more hoops. I do not think it would cost us anything, only add more oversight responsibility. To publicly fight it pits public agencies against construction industry sub-contractors.

Tom Hogarth, P.E.

Building Department Director

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**From:** vacrawford@msn.com [mailto:vacrawford@msn.com]  
**Sent:** Monday, February 09, 2009 12:54 PM  
**To:** Thomas Hogarth  
**Subject:** Re: FW: HB 299

Good or bad?

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**From:** "Thomas Hogarth"  
**Date:** Mon, 9 Feb 2009 11:34:13 -0500  
**To:** Joseph Sanches<[sanchesj@palmbeach.k12.fl.us](mailto:sanchesj@palmbeach.k12.fl.us)>

11/4/2009

**Subject:** RE: FW: HB 299

FYI

HB 299 brings the public works bonding requirements into the world of the Florida Lien Law. I have read enough to see it places much more responsibility on the public owners, sureties and building departments to enforce. It at least deserves a district level review.

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**From:** SNELL, LAURENCE I

**Sent:** Wednesday, January 14, 2009 8:46 PM

**To:** BREDE, JOHN M; STRATMANN, CHARLES M; LEHR, SUSAN M

**Cc:** BLANK, DENNIS; CARTER, ANTHONY R

**Subject:** RE: HB 299

Jack

I fully agree with your review of HB 299

I would add current Fla Statute require on projects > \$200K that we not only require a 100% performance and payment bond but also that we require the bond be "recorded " in the county of construction.

As such unless I am missing something we are already in compliance as we never sign a contract until we have a "recorded" contract.

Fyi

Larry

**From:** BREDE, JOHN M

**Sent:** Tuesday, January 13, 2009 3:22 PM

**To:** STRATMANN, CHARLES M; LEHR, SUSAN M

11/4/2009

**Cc:** SNELL, LAURENCE I

**Subject:** RE: HB 299

Susan

As I see it what this bill is doing is to imitate the Florida Lien law that allows someone ( Contractor or worker ) to place a lien against a construction project.

Since private companies cannot lien public projects their only recourse is to place a claim against the Performance and Payment Bonds. They often have trouble finding the required information to make a legal claim. This bill would make this effort much easier.

The Florida lien Law places responsibility for getting the paperwork in order( prior to the Notice of Commencement and required Construction Inspections) on behalf of the contractor, should he wish to file a lien, at the feet of the Owner of the property and the Building Department.

In a similar manner the proposed bill would require the Owner and Building Department to take similar steps and require similar Owner/ Building Department responsibilities regarding Public Projects.

Since we require Bonds on all \$200 K plus projects a claim against the bond would not directly impact our project costs. However , there would be additional administrative time and filing costs required to file the proper paperwork. Finally, it would be critical that the filing be made in the same county as the construction project and not in another county for any reason.

Many contractors attempt to file a lien against public projects and are furious when they discover it is not legal to do so.

This would make it easier to make a legal claim against the Bonds. I would prefer that this bill not pass but I can understand why contractors are promoting it.

Jack Brede CGC, CBO

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11/4/2009

**From:** LEHR, SUSAN M  
**Sent:** Tuesday, January 13, 2009 8:36 AM  
**To:** STRATMANN, CHARLES M  
**Subject:** HB 299

Does this appear to be a bill we should review? I don't know enough about public bonds to know if this impacts us or not. Thx

susan

### HB 299 - Relating to Construction Bonds (Tobia)

Construction Bonds: Requires surety to record in public records payment bond for public works construction projects; requires bond number to be stated on first page of bond; prohibits issuing authority for building permit or private provider providing inspection services from inspecting specified improvements until filing of payment bond or statement that contract is exempt from payment bond requirements; revises date on which notice of commencement expires; revises form of notice of commencement; requires posting of payment bond on job site; replaces warning to owner on notice of commencement with notice to subcontractors; revises warning to owner printed on permit cards; revises warning to owner which is provided on building permit form; prohibits issuing authority of building permit or private provider providing inspection services from inspecting improvement until documents relating to notice of commencement & payment bond have been filed; authorizes lienor who submits or mails claim of lien to clerk for recording to make demands for written statements of owner; provides additional methods by which instruments may be served by mail; requires clerk of court to serve notice of contest of lien & contest of nonpayment; requires clerk of court to serve copy of certificate showing transfer of lien & copy of bond if lien is transferred to bond. Effective Date: October 1, 2009

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